Almost 2 million for a comparative history of insurance law in Europe

The European Research Council (ERC) supports a project, undertaken over five years by Augsburg legal scholar Phillip Hellwege, with an ERC Consolidator Grant

Augsburg/PhH/KPP - Prof. Dr. Phillip Hellwege, holder of the chair for Civil Law, Commercial Law and History of Law in the Faculty of Law at the University of Augsburg, has obtained an ERC Consolidator Grant for 1.9925 million Euros from the European Research Council for his research into the historical basis for modern insurance law in Europe. The corresponding grant agreement has just been signed by the European Research Council and the University of Augsburg. To date, only four legal scholars at German Universities have experienced this support from the ERC.

The differences in insurance law within Europe are considerable and constitute an impediment to the development of single European market in the insurance sector. As a result, there have been efforts over the last few years to harmonise insurance law in Europe. In order to be able to harmonise law, however, it is first necessary to fully understand the differences which exist between the national laws. Historical comparison of the laws can introduce a historical dimension here: the legal differences that we see in Europe today are the result of historical development. Anyone who wants to harmonise the different national laws needs to understand these historical developments.

Largely unresearched historical roots

Transferring this work plan for historical legal comparison to the field of insurance law gives rise to a problem, however: the historical basis for European insurance law, unlike the historical roots of many other fields of law, is largely unresearched so far. We know that one of the roots of the modern insurance sector can be found in medieval age maritime insurance, and medieval maritime insurance has been thoroughly researched. In general, the current status of research into the history of insurance law is unsatisfactory: with the exception of maritime insurance, the research generally has a national or even regional focus; the history of the insurance sector is recounted very differently in the individual historical narratives; and legal historians also only concern themselves with the history of insurance law occasionally.

Points of contact between the national developments

Prof. Dr. Phillip Hellwege is starting right here with his ERC supported project. When planning this project, he was faced with the problem that it is scarcely possible to completely trace the development of insurance law in Europe since the Middle Ages in a project duration of five years. Hellwege has thus compiled potential points of contact between the national developments and will predominantly look at these. We know, for example, that English insurers were active on the continent from the end of the 18th century, and it is generally assumed that the continental insurers which were newly established from the early 19th century copied their English competitors’ general terms and conditions. The scope and sustainability of this influence has not been extensively researched so far. Hellwege will research such points of contact between the national developments in European insurance law in depth over the next five years.
PhD students, conferences and research semesters

The ERC Consolidator Grant allows the Augsburg legal scholar to hire a number of PhD students as members of the project team over the coming five years and to organise conferences which are oriented towards the corresponding themes. In addition, he can finance a series of research semesters for his own research thanks to the resources that the European Research Council has made available to him.

“Our aspiration is to re-evaluate the history of insurance law in Europe at the end of the project and thus to be able to deliver a historical basis for a modern European insurance jurisprudence,” says Hellwege.

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